

## Information Item

### *California Postsecondary Education Commission*

Legislative Update, October 2003

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The Legislature ended the first half of the 2003-2004 legislative session on Friday, September 12, 2003. In order to go into effect on January 1, 2004, all bills had to be passed by both houses of the Legislature by September 12 and signed by the Governor on or before October 12. Those bills that remain in committee or are held on the chamber floors remain under consideration as “two-year” bills. The Legislature will reconvene for the second year of the biennium on January 5, 2004.

This agenda item provides a summary of legislative activities since the last Commission meeting. Staff will also provide an oral presentation summarizing actions since the agenda went to print.

This item is organized into four parts:

Part One, pages 1-4, contains legislative highlights and information on significant bills passed by the Legislature that directly affect higher education.

Part Two, pages 5-6, presents a matrix of key bills during the first half of the 2003-2004 legislative session.

Part Three, pages 7-12, contains a brief summary of each postsecondary education bill listed on the matrix.

Part Four, pages 13-16, lists the members of the legislative committees that will hold hearings on postsecondary education-related bills.

Part Five, page 17, is an index of the bills in this agenda item.

*Presenter:* Robert L. Moore.



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# LEGISLATIVE UPDATE, OCTOBER 2003

*A Report to the Governmental  
Relations Committee of the California  
Postsecondary Education Commission*



**CALIFORNIA POSTSECONDARY EDUCATION COMMISSION**  
1303 J Street ♦ Suite 500 ♦ Sacramento, California 95814-2938

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# 1

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## Legislative Highlights

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THE LEGISLATURE ended the first half of the 2003-2004 legislative session on Friday, September 12, 2003. In order to go into effect on January 1, 2004, all bills had to be passed by both houses of the Legislature by September 12 and signed by the Governor on or before October 12. Those bills that remain in committee or are held on the chamber floors remain under consideration as “two-year” bills. The Legislature will reconvene for the second year of the biennium on January 5, 2004.

Amid the flurry of activity during the last weeks of the 2003 legislative session, a number of bills were amended on the Senate or Assembly Floors with little or no analysis or discussion. This “gut and amend” practice attracted a great deal of attention this year, due in part to the impending special recall election. However, California legislators debated and passed a number of significant bills on major statewide issues such as domestic partner entitlements, driver’s licenses for immigrants, workers’ compensation reforms, and health insurance requirements for employers.

Significant bills passed by the Legislature that directly affect higher education in the State include the following:

- AB 833 (Steinberg), which would establish standards, identical to federal Title IX standards, to determine if educational institutions are offering male and female students equal opportunities to participate in athletics. The bill is intended to ensure that Title IX provisions would continue to be law in California even if the federal provisions are amended or repealed.
- AB 1051 (Goldberg), which would revise and clarify the definitions of “capital facilities fees” and “capacity charges” that are imposed on public agencies such as schools and community colleges. The bill could increase costs that can be imposed on schools and was strongly opposed by the higher education community.
- AB 1783 (Assembly Committee on Higher Education), which would repeal the sunset date of the existing cross enrollment program, enabling it to continue indefinitely. The bill changes existing law to enable campuses to charge a student participation fee sufficient to cover administrative costs of the program. Signed by Governor [Chapter 457].
- SB 25 (Bowen), which would require the Student Aid Commission and public institutions of higher education to comply with existing

provisions prohibiting the public display of social security numbers required to access products, services, or internet connections. The bill contains other provisions relating to fraud alert notification.

- SB 328 (Escutia), which would provide Board of Governors (BOG) fee waivers to undocumented immigrant alien community college students. The bill is follow-up legislation to AB 540 of last year, which provided that certain undocumented immigrant alien students are eligible to pay resident fees for enrollment in public colleges and universities.
- SB 338 (Scott), which would specify the conditions whereby concurrent enrollment of pupils between a school and community college district is permitted. The bill is an effort to more narrowly define the parameters under which the community college system receives funding for concurrently enrolled students.
- SB 346 (Figueroa), which would require the Bureau for Private Postsecondary and Vocational Education to: (1) work with a number of parties to revise the Private Postsecondary and Vocational Education Reform Act of 1989, (2) create an expanded outreach program, and (3) provide the Legislature with a progress report on corrective actions taken in response to two recent audits of the Bureau's complaint procedures, approvals, tuition refunds, data processing, and outreach efforts.
- SB 611 (Ducheny), which would add English language development assessments and standards to those elements to be considered in the development and evaluation of the California Subject Matter Projects.
- SB 680 (McPherson), which would require the Student Aid Commission (SAC) to review the existing formula for calculating a high school student's grade point average. The bill also requires the Commission to include a report on the review in its annual report. This bill is the outgrowth of a CPEC report recommendation that the SAC should convene a task force to study the Cal Grant program to ensure that the State's Cal Grant program clearly addresses the unique needs of older, non-traditional, and re-entry students.
- SB 728 (Scott), which would simplify the Cal Grant application process by providing that any applicant who qualifies to be considered under the simplified needs test established by federal law shall be presumed to meet the asset level test required by the Cal Grant program. Signed by Governor [Chapter 339].
- SB 967 (Burton), which exempts degree-granting institutions accredited by specified regional accrediting bodies from programmatic and institutional review and approval by the Bureau for Private Postsecondary and Vocational Education (BPPVE). Those institutions remain subject to all other regulatory oversight provisions of the Postsecondary and Vocational Reform Act of 1989, including fiscal requirements, information reporting, compliance with student

protections, and enforcement actions for violations. Signed by  
Governor [Chapter 340}.

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## Matrix of Selected Legislation

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**T**HIS MATRIX reflects actions as of September 24, 2003, on legislation tracked by the Commission during the first half of the 2003-2004 legislative session. Following the matrix are summaries that contain a brief description of each bill. Commission staff will report to the Committee orally on any new information concerning the legislation on the matrix since this report went to print on September 24, 2003.

Brief summaries of the bills listed on the matrix are can be found in the following section.

## MATRIX 2003-2004 LEGISLATIVE PRIORITY BILLS

	Bill Number	Author	Subject	CPEC Position	Policy Committee	Fiscal Committee	Floor Action	Policy Committee	Fiscal Committee	Floor Action	COMMENTS
1.	AB 550	Diaz	Mandatory Systemwide Resident Student Fee Policy	Watch	X	H					Held on Suspense File in Assembly Appropriations Committee.
2.	AB 655*	Liu	CPEC, CSAC, BPPVE Consolidation	Support	X	X	X	X	H		Held on Suspense File in Senate Appropriations Committee.
3.	AB 680*	Liu	Community College Fees	Watch	X	H					Held on Suspense File in Assembly Appropriations Committee.
4.	AB 825	Firebaugh	Cal Grant Program - Transfer Students	Support	X	X	X	P			Pending consideration in Senate Education Committee.
5.	AB 843*	Committee on Higher Education	Mandatory Systemwide Resident Student Fee Policy	Support	X	H					Held on Suspense File in Assembly Appropriations Committee.
6.	AB 1323*	Jackson	Cal Grant Program - Decentralized Campus-Based Approach	Support	X	H					Held on Suspense File in Assembly Appropriations Committee.
7.	AB 1543	Firebaugh	CCC: Nursing Programs - Admissions	Support	X	H					Held on Suspense File in Assembly Appropriations Committee.
8.	AB 1783	Committee on Higher Education	Cross-Enrollment	Support	X	X	X	X	X	X	Chaptered by Secretary of State on 9/22/03, Chapter No. 457.
9.	ACA 4	Simitian	Taxation: Educational Entities: Parcel Tax	Support	X	X	H				Held on Assembly inactive file.
10.	SB 6*	Alpert	Public Education Governance (Master Plan)	Watch	X	H					Held on Suspense File in Senate Appropriations Committee.
11.	SB 76	Denham	California Community College Block Grants	Support	H						Held in Senate Education Committee.
12.	SB 542*	Murray	CPEC/BPPVE Responsibilities (Master Plan)	Watch	P						Pending consideration in Senate Business and Professions Committee.
13.	SB 680*	McPherson	Cal Grant Program Revisions	Support	X	X	X	X	X	X	Awaiting the Governor's action.
14.	SB 728	Scott	Cal Grant Program - Assumption of Eligibility	Support	X	X	X	X	X	X	Chaptered by Secretary of State on 9/08/03, Chapter No. 339.
X-Action Taken      H-Held in Committee      P-Pending Consideration      F-Failed Passage      *CPEC Involvement      9/24/03											

# Legislative Bill Summaries

- Existing law authorizes the University of California, the California State University, and the California Community Colleges to require that mandatory systemwide fees, among other fees, be paid by students at these institutions. This bill would provide that the Regents of the University of California and the Trustees of the California State University bear the primary responsibility for adjusting mandatory systemwide resident student fees at their respective systems. This bill would also provide for a systemwide Student Fee Advisory Committee in each system. The bill contains other related provisions.

- This bill would consolidate the program responsibilities of the Student Aid Commission and the California Postsecondary Education Commission into a single state entity, the California Higher Education Policy and Finance Commission. The bill contains other related provisions.

- Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law also authorizes community college districts to provide instruction to students, for a fee of \$11 per unit per semester, at community college campuses throughout the state. This bill would increase these fees from \$11 per unit to \$25 per unit over a three-year period. The bill contains other related provisions.

- Existing law establishes the Cal Grant A and B entitlement awards, the California Community College Transfer Entitlement awards, the Competitive Cal Grant A and B awards, the Cal Grant C awards, and the Cal Grant T awards under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions. This bill would express findings and declarations of the Legislature relating to the operation of the Cal Grant award programs with respect to older, adult, nontra-

5. Assembly Bill 843                      Subject: Mandatory Systemwide Resident  
Author: Committee on Higher Education                      Student Fee Policy  
Version: 04/09/03

6. Assembly Bill 1323                      Subject: Cal Grant Program – Decentralized  
Author: Jackson                                Campus-Based Approach  
Version: 04/08/03

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7. Assembly Bill 1543      Subject: Community Colleges: Nursing Programs  
Author: Firebaugh                  Version: 04/30/03

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from around the state, to submit, by September 1, 2005, to the appropriate policy and fiscal committees of the Legislature, as well as to each California Community College nursing program, recommendations for standardized admission policies. These recommendations would include prerequisite requirements and methods for allocating slots in oversubscribed programs, to establish a clear statewide admission practice for community college nursing programs.

8. Assembly Bill 1783 Subject: Cross-Enrollment  
Author: Committee on Higher Education Version: 09/22/03

Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable. Among other things, the act identifies common educational missions shared by educational institutions in California and differentiates more specific missions and functions among the various educational segments. This bill would delete the January 1, 2004, repeal date of this provision, and thereby extend this program indefinitely. The bill would also authorize a host campus to charge participating students an administration fee that may not exceed an amount sufficient for the campus to recover the full amount of the administrative costs it incurs under this program, rather than the \$10 limit in existing law. This bill contains other related provisions.

9. Assembly Constitutional Amendment 4 Subject: Taxation:  
Author: Simitian Educational Entities: Parcel Tax  
Version: 04/29/03

The California Constitution conditions the imposition of a special tax by a city, county, or special district upon the approval of 2/3 of the voters of the city, county, or special district voting on that tax, and prohibits these entities from imposing an ad valorem tax on real property or a transactions or sales tax on the sale of real property. This measure would authorize a school district, community college district, or county office of education, with the approval of 55% of its voters voting on the proposition, to impose a parcel tax, as defined, and would also make conforming changes to related provisions.

10. Senate Bill 6                                  Subject: Public Education Governance  
Author: Alpert                                      Version: 05/15/03

This bill encompasses many of the recommendations for governance in public education from the Joint Committee to Develop a Master Plan for Education. Among other provisions, the bill revises the duties of the

11. Senate Bill 76	Subject: Education Finance: California
Author: Denham	Community Colleges
	Version: 03/27/03

12. Senate Bill 542                      Subject: Private Postsecondary Education  
Author: Murray                          Version: 04/23/03

13. Senate Bill 680                                      Subject: Cal Grant Program  
Author: McPherson                                      Version: 09/10/03

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14. Senate Bill 728  
Author: Scott

Subject: Cal Grant Program  
Version: 09/08/03

Existing law, known as the Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Act, establishes the Cal Grant A and B entitlement programs, the California Community College Transfer Cal Grant Entitlement Program, and the Competitive Cal Grant A and B awards under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs. This bill would provide that any applicant who qualifies to be considered under the simplified needs test established by federal law for student assistance shall be presumed to meet the asset level requirements established by the act. The bill would require that, prior to disbursing any Cal Grant funds, a qualifying institution participating in the Cal Grant programs resolve any conflicts that may exist in the data the institution possesses relating to that individual.

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## Committee Membership

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**THIS PART of the Legislative Update lists the members of the legislative policy and fiscal committees for higher education.**

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### **Senate Appropriations Committee**

Dede Alpert, Chair  
Jim Battin, Vice-Chair  
Sam Aanestad  
Roy Ashburn  
Debra Bowen  
John Burton  
Martha Escutia  
Ross Johnson  
Betty Karnette  
Mike Machado  
Kevin Murray  
Charles Poochigian  
Jackie Speier

### **Senate Budget and Fiscal Review Committee**

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Dick Ackerman, Vice-Chair  
Gilbert Cedillo  
Denise Ducheny  
Joseph Dunn  
Sheila Kuehl  
Bob Margett  
Tom McClintock  
Bruce McPherson  
Deborah V. Ortiz  
Jack Scott  
Byron D. Sher  
John Vasconcellos

### **Senate Budget and Fiscal Review Subcommittee No. 1 on Education**

Jack Scott, Chair  
Bob Margett  
John Vasconcellos

### **Senate Education Committee**

John Vasconcellos, Chair  
Bruce McPherson, Vice-Chair  
Richard Alarcon  
Dede Alpert  
Wes Chesbro  
Jeff Denham  
Betty Karnette  
William "Pete" Knight  
Gloria Romero  
Jack Scott  
Byron D. Sher  
Jackie Speier  
Edward Vincent

### **Senate Education Subcommittee on Higher Education**

Jack Scott, Chair  
Dede Alpert  
Jeff Denham  
Bruce McPherson  
Gloria Romero  
John Vasconcellos

### **Senate Select Committee on Colleges & Universities Admissions & Outreach**

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Dede Alpert  
Gilbert Cedillo  
Bruce McPherson  
Bill Morrow  
Jack Scott  
Edward Vincent

**Assembly Appropriations Committee**

Darrell Steinberg, Chair  
Patricia Bates, Vice-Chair  
Patty Berg  
Ronald Calderon  
Ellen M. Corbett  
Lou Correa  
Lynn Daucher  
Manny Diaz  
Marco Firebaugh  
Jackie Goldberg  
Ray Haynes  
Mark Leno  
Abel Maldonado  
Gloria Negrete McLeod  
Joe Nation  
Fabian Nunez  
Robert Pacheco  
Fran Pavley  
Mark Ridley-Thomas  
Sharon Runner  
Steven Samuelian  
Joseph Simitian  
Patricia Wiggins  
Leland Yee

**Assembly Budget Committee**

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John Campbell, Vice-Chair  
Patricia Bates  
John Benoit  
Rudy Bermudez  
Joe Canciamilla  
Wilma Chan  
Judy Chu  
David Cogdill  
Lynn Daucher  
Many Diaz  
John Dutra  
Mervyn Dymally  
Jackie Goldberg  
Loni Hancock  
Tom Harman  
Ray Haynes  
Hannah-Beth Jackson  
Rick Keene  
Lloyd Levine  
Carol Liu

Bill Maze  
Kevin McCarthy  
Cindy Montanez  
George Nakano  
Rod Pacheco  
Fran Pavley  
Sarah Reyes  
Sharon Runner  
Joseph Simitian  
Lois Wolk

**Assembly Budget Subcommittee #2 on Education Finance**

Joseph Simitian, Chair  
Joe Canciamilla  
Wilma Chan  
Lynn Daucher  
Jackie Goldberg  
Carol Liu  
Sharon Runner

**Assembly Education Committee**

Jackie Goldberg, Chair  
George Plescia, Vice-Chair  
Rebecca Cohn  
Manny Diaz  
Bonnie Garcia  
Loni Hancock  
Carol Liu  
Gene Mullin  
Fran Pavley  
Sarah Reyes  
Mark Wyland

**Assembly Higher Education Committee**

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Patty Berg  
Russ Bogh  
Mervyn Dymally  
Shirley Horton  
Hannah-Beth Jackson  
Alan Lowenthal  
Barbara Matthews  
Gloria Negrete McLeod  
Tony Strickland

## **Joint Committees**

### **Joint Committee to Develop a Master Plan for Education**

Sen. Dede Alpert, Chair  
Sen. Richard Alarcon  
Sen. Betty Karnette  
Sen. William "Pete" Knight  
Sen. Bruce McPherson  
Sen. Kevin Murray  
Sen. Charles Poochigian  
Sen. Jack Scott  
Sen. John Vasconcellos

Asm. Jackie Goldberg, Co-Vice Chair  
Asm. Carol Liu, Co-Vice Chair  
Asm. Greg Aghazarian  
Asm. Judy Chu  
Asm. Lynn Daucher  
Asm. George Nakano  
Asm. Sarah Reyes  
Asm. Darrell Steinberg  
Asm. Mark Wyland

## **Joint Committee on Legislative Budget**

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Sen. Dick Ackerman  
Sen. Dede Alpert  
Sen. Jim Battin  
Sen. Joseph Dunn  
Sen. Tom McClintock  
Sen. Jack Scott  
Sen. John Vasconcellos

Asm. Jenny Oropeza, Vice-Chair  
Asm. Patricia C. Bates  
Asm. John Campbell  
Asm. Jackie Goldberg  
Asm. Loni Hancock  
Asm. Kevin McCarthy  
Asm. Joe Nation  
Asm. Darrell Steinberg



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